

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

In Re:

**Jennifer Nicole Stolfa**

Debtor.

**Case No. 19-14844-JDL  
Chapter 13**

**MOTION TO DISMISS CASE FOR FAILURE TO FILE SCHEDULES,  
PLAN, EVIDENCE OF INCOME, MEANS TEST FORMS AND/OR VALID CREDIT  
COUNSELING CERTIFICATE(S) COMBINED WITH BRIEF IN SUPPORT  
AND NOTICE OF OPPORTUNITY FOR HEARING**

COMES NOW John Hardeman, Chapter 13 Trustee ("Trustee"), and files his Motion to Dismiss the above-styled Chapter 13 case pursuant to provisions of 11 U.S.C. Sections 109, 521, 1321 and 1307(c) and Rules 1007, 1007-1 and 3015 of the Federal Rules of Bankruptcy Procedure. In support of his Motion, the Trustee would show the Court the following:

1. The instant bankruptcy case was filed under Chapter 13 on December 02, 2019. The schedules, plan, evidence of income, means test forms and valid credit counseling certificate(s) were required to be filed by December 16, 2019, and to date, have not all been filed.

2. Section 521 of the Bankruptcy Code requires debtors to file certain documents including, but not limited to, schedules, a statement of financial affairs and evidence of income for the sixty (60) days prior to the filing of the bankruptcy petition. Section 1321 requires Chapter 13 debtors to file a plan. Pursuant to Section 109(h), in order to be eligible for bankruptcy relief, individual debtors must obtain a credit briefing within the 180 day period preceding the filing of the bankruptcy petition.

3. Bankruptcy Rules 1007(b)(1) and (b)(6) and 1007-1(c) require the filing of schedules, a statement of financial affairs, evidence of income, means test forms and valid credit briefing certificate(s) within 14 days of the filing of the bankruptcy petition. Bankruptcy Rule 3015 requires the filing of a Chapter 13 plan within 14 days of the filing of a Chapter 13 petition, or in the case of conversion of a case to one under Chapter 13, within 14 days of the conversion of the case to Chapter 13.

4. Section 1307(c) of the Bankruptcy Code provides the Court may dismiss a case for cause. Section 1307(c) contains a nonexhaustive list of circumstances constituting cause for dismissal. Included within that list are the failure to timely file a plan and the existence of an unreasonable delay by the debtor that is prejudicial to creditors. The failure of the debtor to timely file required documents represents an unreasonable delay that is prejudicial to creditors in that the failure to timely file required documents delays the confirmation process and the resulting distribution to creditors.

WHEREFORE, for the reasons stated above, the Chapter 13 Trustee requests the Court dismiss this Chapter 13 case pursuant to the provisions of 11 U.S.C. Section 1307(c).

### NOTICE OF OPPORTUNITY FOR HEARING

**Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document.** If you do not want the Court to grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Western District of Oklahoma, 215 Dean A. McGee Avenue, Oklahoma City, OK 73102 no later than 14 days from the date of filing of this request for relief. You should also serve a file-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice.

**The 14 day period includes the three (3) days allowed for mailing provided for in Bankruptcy Rule 9006(f).**

Respectfully submitted,  
s/John Hardeman

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John Hardeman, Trustee  
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**CERTIFICATE OF MAILING**

This is to certify that on December 23, 2019, a true and correct copy of the foregoing document was served by U.S. Mail, first class, postage prepaid, on the following:

Jennifer Nicole Stolfa  
12928 Saint Andrews Drive  
Oklahoma City, OK 73120

s/John Hardeman

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John Hardeman, Trustee

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